

CITY OF TORONTO

BY-LAW No. 534-2010(OMB)

To adopt Amendment No. 524 to the Official Plan for the former City of North York.

WHEREAS the Ontario Municipal Board pursuant to its Decision/Order No. 0003 issued on January 6, 2005, upon hearing the appeal of Microbjo Properties Inc., Newrey Holdings Ltd., Damis Holdings Ltd., Sabel Holdings Ltd. and Fredzag Holdings Ltd., under Section 17(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, deems it advisable to amend the Official Plan of the former City of North York;

THEREFORE the Official Plan of the former City of North York is amended by the Ontario Municipal Board as follows:

1. Amendment No. 524 to the Official Plan of the former City of North York, consisting of the attached text and maps designated as Schedule "I" is hereby adopted.
2. This By-law shall come into force and take effect on the date of the issuance of the Ontario Municipal Board's Order.

PURSUANT TO DECISION/ORDER OF THE ONTARIO MUNICIPAL BOARD ISSUED ON MAY 5, 2010 IN BOARD CASE NO. PL040139.

AMENDMENT NO. 524 TO THE OFFICIAL PLAN**OF THE FORMER CITY OF NORTH YORK****569 SHEPPARD AVENUE WEST
4383 BATHURST STREET**

The following Text and Maps, designated as Schedule "I", constitute Amendment No. 524 to the Official Plan for the former City of North York.

The sections headed "Purpose and Location" and "Basis" are explanatory only, and shall not constitute part of this amendment.

PURPOSE AND LOCATION:

This amendment concerns the lands located at the southeast corner of Sheppard Avenue West and Bathurst Street. The municipal addresses are 569 Sheppard Avenue West and 4383 Bathurst Street.

BASIS:

The effect of the amendment would be to permit the construction of a 13 storey residential condominium apartment building at the corner of the site. The two existing 13 storey rental apartments would remain on the site. The amendment represents an increased density to 2.5 FSI from 1.5 FSI through the addition of the new condominium apartment building. This density is achieved through a redesignation of the site from RD4 to RD5 with a site specific exemption which includes the securing of Section 37 benefits on the site. These benefits include the securing of the rental apartment buildings for a minimum of 15 years and a contribution of \$111,738.96 for capital improvements to those buildings.

A public meeting to consider the application was held by North York Community Council after written notice of such meeting had been sent to all persons assessed in respect of land and to all tenants within 120 metres of the subject lands. This application was considered by North York Community Council on May 8, 2002.

The Ontario Municipal Board held a hearing and approved the Official Plan Amendment in its Decision/Order issued on May 5, 2010 in Board Case No. PL040139.

SCHEDULE "I"**OFFICIAL PLAN AMENDMENT NO. 524****TO THE OFFICIAL PLAN FOR THE****FORMER CITY OF NORTH YORK**

The following text and schedules constitute Amendment No. 524 to the Official Plan of the former City of North York.

ITEM 1**Clause 1**

Map C. 1 (Land Use Map) is amended by designating the lands as RD5 from RD4 as shown in Schedule "A", attached.

Clause 2

Section C.9 is amended by adding the following policy:

C.9.236 Lands on the south side of Sheppard Avenue West and on the east side of Bathurst Street, known as 569 Sheppard Avenue West and 4383 Bathurst Street.

Despite the Residential Density Five (RD5) designation of the lands, density of 2.5 FSI is permitted provided that the owner first enters into and registers on title to the satisfaction of the City, an agreement pursuant to Section 37 of the *Planning Act*, to secure the provision of additional services, matters or facilities to enhance and preserve the existing rental apartment house dwellings as follows:

- a) Maintain the 286 existing rental units in the two existing apartment buildings as rental for a minimum period of 15 years calculated from the date the Zoning By-law Amendment comes into effect, and make no application for demolition to construct anything other than rental dwelling units or for the purpose of condominium registration during the 15 year period;
- b) Make a contribution of \$111,738.96 to undertake those improvements to the existing rental apartment buildings as described in further detail in the Section 37 Agreement; and

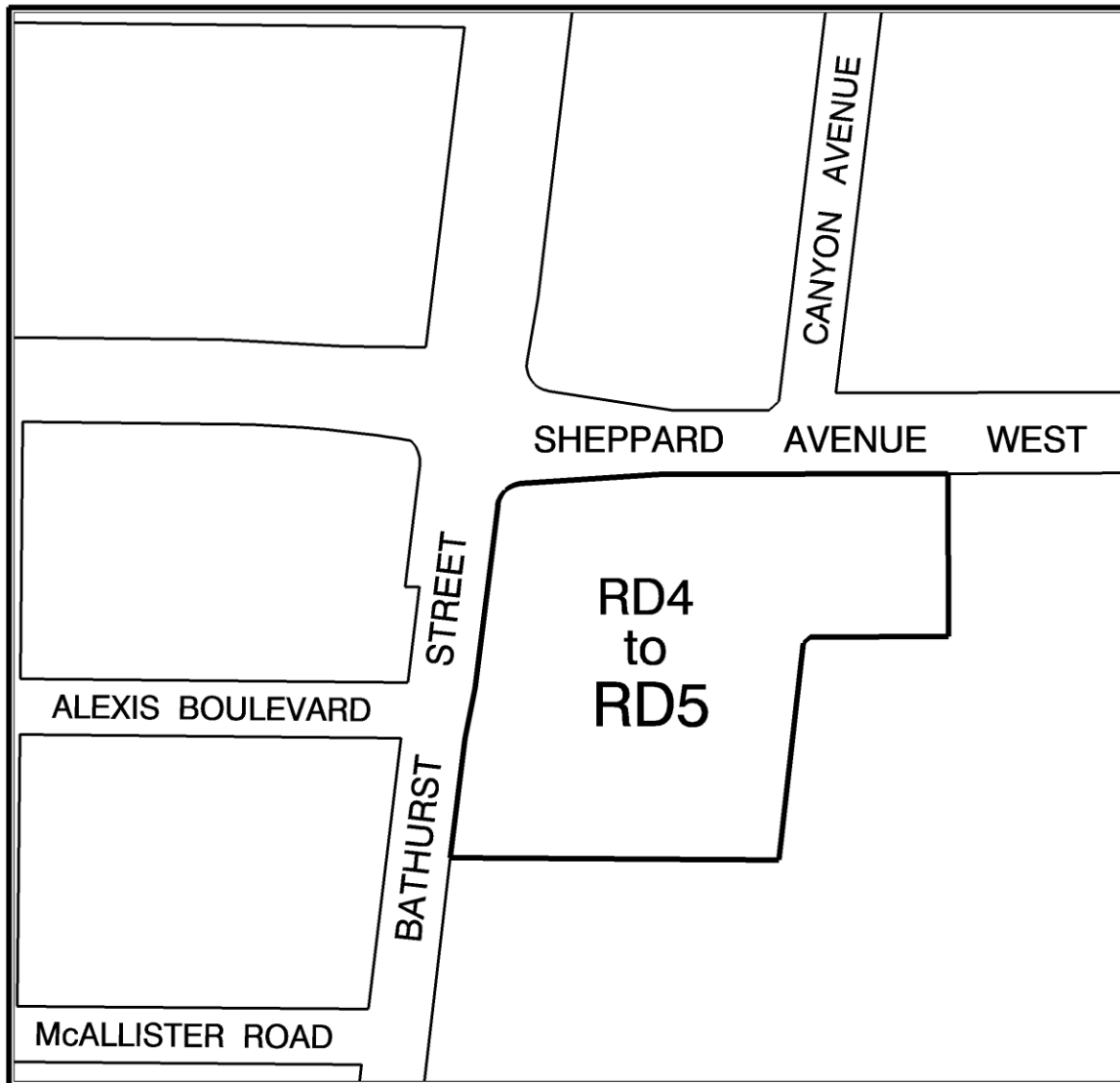
- c) Not make an application for a rent increase above the Provincial Rent Increase Guideline for the above-noted capital expenditures or portions thereof for the amount of \$111,738.96.

Clause 3

Section C.9 is amended by adding map C.9.236 as attached in Schedule "B".

Schedule " A "

(Amendment No. 524)

**LAND USE MAP**

RESIDENTIAL DENSITY FOUR (RD4)
to
RESIDENTIAL DENSITY FIVE (RD5)



File No. UDOZ-0017

Prepared by: A.A.

Approved by: K.W.

Date: APRIL 12, 2002

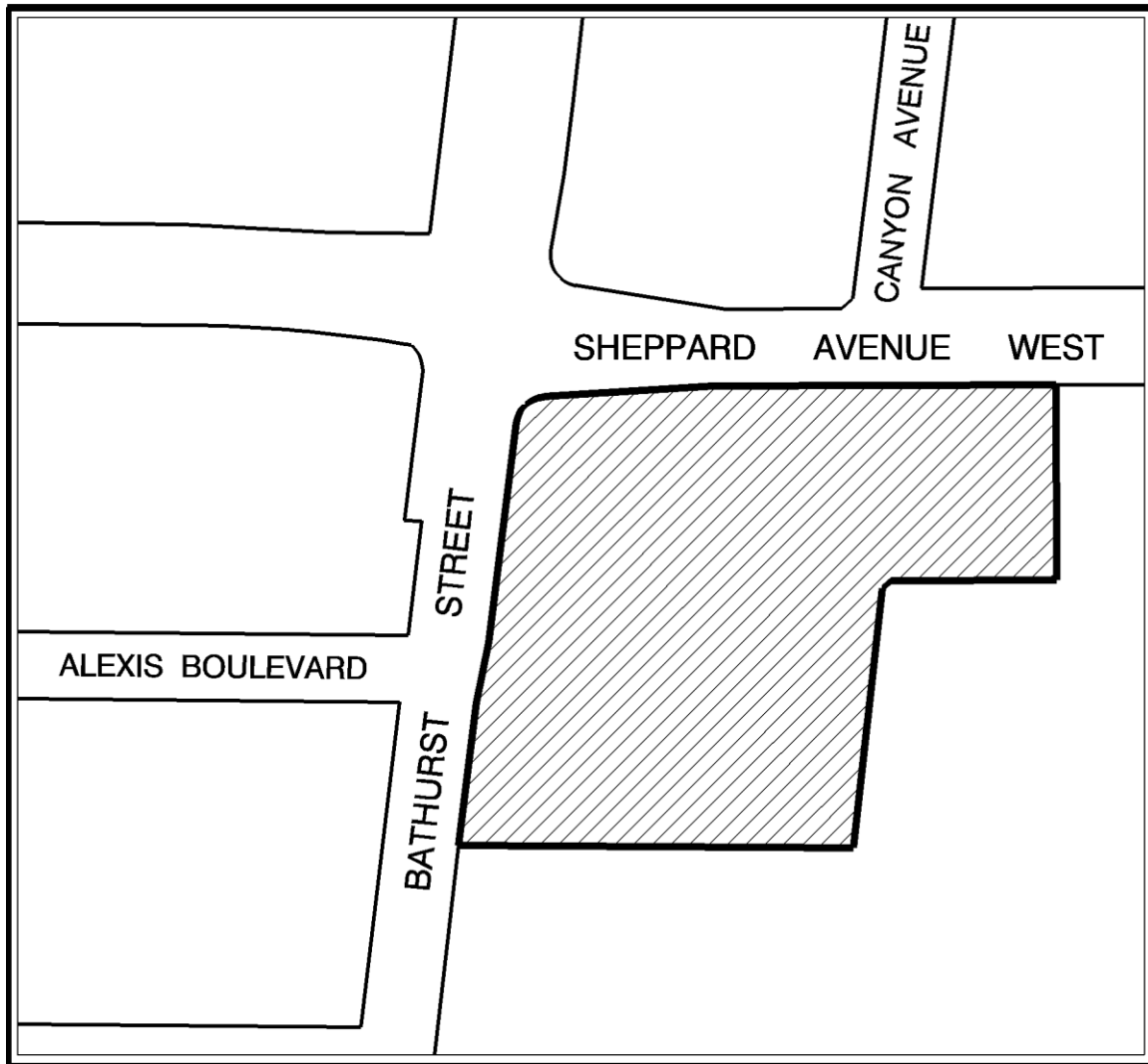
Filename: OPA524

Location: Lots 7,8,9,14 and 15 and Part of Lots 10,11,12 and 13, R.P. 3428, City of Toronto

Source: Official Plan, By-Law, Lot Line, Street Line and Street Name Data - North York Planning Department.
Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.

Schedule " B "

(Amendment No. 524)



MAP C.9.236

**SUBJECT AREA**

FILE NAME : OPA524

DATE : APRIL 12, 2002



Source: Lot Line, Street Line and Street Name Data - North York Planning Department.

Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.